

AN ACT

RELATING TO ELECTIONS; ALLOWING EARLY PROCESSING OF ABSENTEE
BALLOT OFFICIAL MAILING ENVELOPES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-6-14 NMSA 1978 (being Laws 1971, Chapter 317,
Section 11, as amended) is amended to read:

"1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER PRECINCT
BOARDS.--

A. Before opening an official mailing envelope, the presiding judge and
the election judges shall determine that the required information has been completed
on the reverse side of the official mailing envelope.

B. If the voter's signature is missing, the presiding judge shall write
"Rejected" on the front of the official mailing envelope. The election clerks shall enter
the voter's name in the signature rosters and shall write the notation "Rejected--
Missing Signature" in the "Notations" column of the signature rosters. The presiding
judge shall place the official mailing envelope unopened in an envelope provided for
rejected ballots, seal the envelope and write the voter's name on the front of the
envelope and deposit it in the locked ballot box.

C. The accredited challengers may examine the official mailing
envelope and may challenge the ballot of any absent voter for the following reasons:

(1) the official mailing envelope has been opened prior to being
received by the absent voter precinct board; or

(2) the person offering to vote is not a federal voter, federal

qualified elector, overseas citizen voter or voter as provided in the Election Code.

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Upon the challenge of an absentee ballot, the election judges and the presiding election judge shall follow the same procedure as when ballots are challenged when a person attempts to vote in person. If a challenge is upheld, the official mailing envelope shall not be opened but shall be placed in an envelope provided for challenged ballots. The same procedure shall be followed in canvassing and determining the validity of challenged absentee ballots as with other challenged ballots.

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D. If the official mailing envelopes have been properly subscribed and the voters have not been challenged:

(1) the election judges shall open the official mailing envelopes and deposit the ballots in their still-sealed official inner envelopes in the locked ballot box; and

(2) the election clerks shall enter the absent voter's name and residence address as shown on the official mailing envelope in the signature rosters and shall mark the notation "AB" opposite the voter's name in the "Notations" column of the signature rosters.

E. Prior to the closing of the polls, the election judges and the presiding election judge may either remove the absentee ballots from the official inner envelopes and count and tally the results of absentee balloting or, under the personal supervision of the presiding election judge and one election judge from each party, count and tally the absentee ballots on an electronic voting machine the same as if the absent voter had been present and voted in person. It is unlawful for any person to disclose the results of a count and tally or the registration on a voting machine of

absentee ballots prior to the closing of the polls.

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F. Absentee ballots shall be counted and tallied on an electronic voting machine as provided in the Election Code.

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G. Absent voter precinct polls shall close at the time prescribed by the Election Code for other polling places, and the results of the election shall be certified as prescribed by the secretary of state.

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H. The county clerk may convene the absent voter precinct board no more than three days before the day of the election to alphabetize, enter on the roster and sort the absentee ballots by legislative district; provided that a member of the absent voter precinct board shall not open an official inner envelope or count and canvass any absentee ballot prior to the day of the election."